

**S-1-2008**  
**Rushton Heights Subdivision**  
**3878 South 5200 West**  
**R-1-8 Zone**  
**8 Lots**  
**2.45 Acres**

## **BACKGROUND**

Mr. Joe Colosimo, is requesting preliminary and final plat approval for the Rushton Heights Subdivision. The subject property is presently zoned R-1-8 and is bordered by residential housing on the north and west. Property to the south is vacant and zoned agriculture.

## **STAFF/AGENCY CONCERNS:**

### Fire Department:

- Fire hydrants to be installed in accordance with the Uniform Fire Code.
- Will need a turnaround.

### Granger Hunter Improvement District:

- Project will need to run availability for water, sewer and fire protection.
- Subject to design and review inspections.

### Utility Agencies:

- Subject to all standard easement locations.

### Public Works:

- Authorization required of ditch/water users for any abandonment, relocation, piping or any other modifications to existing ditches or irrigation structures.
- Dedication of 5260 West to a 50-foot half width.
- Dedication and improvements will be required along Sunshine Drive .
- Revisions to the plat required.
- Will need to coordinate subdivision name with County Auditor's Office.
- Soils report will be required.

Building Inspections:

- Soils report will be required.

**ISSUES:**

- The developer is proposing a new subdivision to be known as Rushton Heights. The subdivision will consist of 8 lots on 2.4 acres. This equates to an overall density of 3.3 units per acre.
- Prior to the submittal of this application, the developer received two variances from the Board of Adjustment regarding lots 4 and 5. The required frontage in the R-1-8 zone is 80 feet. Due to surrounding development and the narrow width of the property, the Board granted the variance. A flag lot is being proposed to make use of the unique property configuration.
- Access to the subdivision will be gained from 5200 West and from a stub street in the Amber Subdivision to the north. The developer will extend 5260 West to the south to provide access as future vacant land develops. The developer will be required to install all improvements where needed and as approved by the Public Works Department.
- Due to the length of 5260 West, a turnaround will be needed for the Fire Department. In past developments, the Fire Department has allowed a turnaround to be located in residential driveways. In this case, and because there are two flag lots essentially in the middle of both developments, the Planning Commission recommended that the turnaround be located in the stem portion of each flag lot. As the minimum width of the stem is 20 feet, this will meet with the Fire Departments requirements.
- When the Amber Subdivision was approved, a 50-foot right-of-way was constructed. The cross section consists of 25 feet of asphalt and a 5-foot parkstrip and 5-foot sidewalk. The City's current right-of-way width is now 54 feet. The City Engineer will need to determine whether the new road should be built to the current standard, or whether the existing right-of-way width will suffice. In either case, the developer has sufficient room to increase the width of the road should he be required.
- The subdivision is located to the north of agriculturally zoned property. The developer will be required to install a 6-foot chain link fence along a portion of the south property line. In addition, a note will need to be placed on the plat indicating the agricultural zone and its potential impacts to residential living.

- Staff is unsure if the property has been irrigated. If it has, the developer will need to coordinate this issue with the Public Works Department and will need to resolve any concerns expressed by those using the irrigation water such as easements, piping and any existing structures.
- A soils report will be required in order to assess ground water levels. During the review of the Amber Subdivision to the north, ground water was encountered at depths ranging from 17 to 20 feet. As ground water levels tend to fluctuate, it is important that a new study be provided to ensure that impacts will not occur in the subdivision.
- The subdividing of this property will abandon an existing 25-foot access easement. The access easement runs parallel to, and encroaches upon the Amber Subdivision by 12.5 feet. The access easement has been used for many years to provide access to two single family dwellings at the west end of the proposed subdivision. This access easement extends the length of the entire property from 5200 West. The removal of this easement will now provide owners of the Amber Subdivision the opportunity to fence their entire lot including the 12.5 feet that has previously been used for this easement.

**STAFF ALTERNATIVES:**

- A. Approve the Rushton Heights Subdivision subject to the following conditions:
1. That compliance be made with Granger Hunter Improvement District regarding water line extensions, sewer connections and fire protection.
  2. That the subdivision name be approved by Salt Lake County.
  3. That the developer provide a soils report prior to City Council review.
  4. That all matters pertaining to any existing irrigation system be addressed with the Public Works Department and water users as outlined in the analysis.
  5. That the developer resolve all staff and agency concerns.

6. That a 6-foot chain link fence be installed along the south property line. The fence will need to be installed adjacent to agriculturally zoned property. A notation will also need to be placed on the plat identifying this area as agriculture which may be subject to various sounds and odors that accompany an agricultural lifestyle.
  7. That all street improvements be in accordance with plan and profiles approved by the Public Works Department.
  8. That the stem portion of the two flag lots be used for emergency vehicles. Improvements to this area, i.e. asphalt or concrete thickness will need to be increased for this purpose.
- B. Continuance to allow the developer an opportunity to address issues raised during the public hearing.

**Applicant:**  
**Joe Colosimo**  
**P.O. Box 1178**  
**Draper, UT 84020**

**Neutral**  
**Michael Stout**  
**5217 South State #450**  
**Salt Lake City, UT 84107**

**Discussion:** Steve Lehman presented the application. The applicant, Mr. Colosimo, stated that this entire project fits on Mr. Rushton's property and he can give the extra 12.5 feet back to the homeowner as well as solving any other issues the original project caused.

Michael Stout, an attorney on behalf of the homeowners, requested that the easement issue be resolved and included as a condition in the Planning Commission's approval of this application. The City was sued but was excluded from legal action because of this easement. Mr. Stout stated that this issue needs to be fixed and included on the plat before this application is given final approval. Mr. Colosimo agreed to this requirement and disclosed for the record that there is a sewer line that runs behind two lots west of the stub street that will be subject to a Granger- Hunter easement that he has no control over.

Commissioner Woodruff asked Mr. Lehman if these problems will be fixed with this application. Mr. Lehman said yes and added that a note will be included on the plat to further resolve the issues. Mr. Lehman and Mr. Colosimo will be working with Mr. Stout and Nicole Cottle to resolve any other legal issues.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

**Motion:** Commissioner Clayton moved for approval subject to the 8 staff conditions and that the developer resolve the 12.5' access easement along the north property line prior to plat recording.

Commissioner Mills seconded the motion.

**Roll call vote:**

Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

**Unanimous –S-1-2008– Approved**